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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SAMUEL J. SMOLEN, JR., 85A4082

Plaintiff,

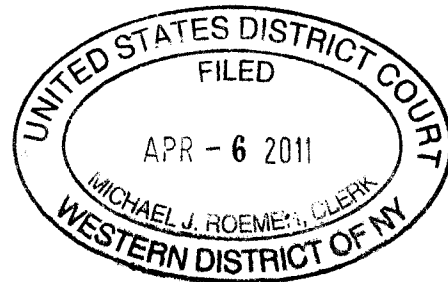
-v-

**DECISION AND ORDER**  
**10-CV-6637CJS**

C.O. T. ORLOWSKI,  
C.H.O. J. SCHOELLKOPF,  
ADIR VENETTOZZI,  
C.O. A. KOZAKIEWICZ,  
C.O. E. SCHUESSLER,  
I.G. RICHARD ROY,  
SUPT. JAMES CONWAY,  
SGT. MARKOWSKI, and  
C.O. GARY PRITCHARD,

Defendants.

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Plaintiff Samuel J. Smolen, Jr. submitted to the Court a complaint and an affirmation of poverty seeking permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). Plaintiff was given until **January 4, 2011** to provide the Court with a signed Authorization authorizing the prison in which the plaintiff is confined to pay the full \$350.00 filing fee or (b) pay the full filing fee of \$ 350.00 (Docket No. 3).

Plaintiff responded to this Order by providing the Court with a copy of the request to proceed *in forma pauperis*, with a completed prison certification section, that he had previously filed with the Court (Docket No. 4). Plaintiff has still not returned the signed Authorization form which authorizes the prison in

which the plaintiff is confined to pay the full \$350.00 filing fee, nor has plaintiff paid the filing fee. The plaintiff will be given one additional opportunity to provide the Court with a signed Authorization or pay the filing fee of \$350.00.

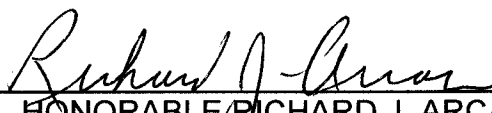
The Clerk of the Court is directed to send the plaintiff a Prison Authorization Form.

The plaintiff has until **May 6, 2011** to (a) furnish the Court with a signed **Authorization** authorizing the prison in which the plaintiff is confined to pay the full \$350.00 filing fee or (b) pay the full filing fee of \$ 350.00.

If the Court does not receive a signed **Authorization** or the full filing fee of \$ 350.00 on or before such date, **this action will be dismissed without prejudice without further notice** to the plaintiff and, if any part of the filing fee has already been submitted to the Court from the prison, it will be returned to the prison for deposit in the plaintiff's inmate account.

IT IS HEREBY ORDERED, that the Clerk of the Court is to close this case as dismissed without prejudice after **May 6, 2011**, if the plaintiff has not either provided the Court with a signed **Authorization** or paid the full filing fee by that date.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA  
DISTRICT JUDGE  
UNITED STATES DISTRICT COURT

Dated: April 5, 2011